

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7496

BILL NUMBER: HB 1632

NOTE PREPARED: Jan 18, 2015

BILL AMENDED:

SUBJECT: Religious Freedom Restoration Act.

FIRST AUTHOR: Rep. Wesco

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that a state or local government action may not substantially burden a person's right to the exercise of religion unless it is demonstrated that applying the burden to the person's exercise of religion is: (1) essential to further a compelling governmental interest; and (2) the least restrictive means of furthering the compelling governmental interest.
- B. It provides that a person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a state or local government action may assert the burden as a claim or defense in a judicial proceeding, regardless of whether the state or a political subdivision of the state is a party to the judicial proceeding.
- C. It allows a person who asserts a burden as a claim or defense to obtain appropriate relief, including: (1) injunctive relief; (2) declaratory relief; (3) compensatory damages; and (4) recovery of court costs and reasonable attorney's fees.

Effective Date: Upon passage.

Explanation of State Expenditures: *Summary* – This bill could affect the Office of the Attorney General and other state agencies if these affected agencies need to defend any alleged substantial burdening of the exercise of religion. If the state is found through a proceeding to have substantially burdened the exercise of religion, the claimant may obtain appropriate relief. Appropriate relief is assumed to include monetary damages, reasonable costs, and attorney fees. The extent that this bill would affect state agencies will depend on the behavior of private parties and governmental entities.

For this bill, a person can include an individual, an association, a partnership, a limited liability company, a corporation, a church, a religious institution, an estate, a trust, a foundation, or any other legal entity.

Additional Information: The Office of the Attorney General reports the amount of damages paid as a result of all tort claims submitted and tort claim lawsuits filed against the state and by plaintiffs in tort and civil rights litigation between CY 2010 and CY 2014 as follows:

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Damages Paid	\$3,661,568	\$6,546,968	\$12,140,127	\$9,040,648	\$8,564,114

The amount paid includes tort claims paid at the time of claim submission, settlements upon the filing of lawsuits, and settlements paid as a result of a court order. It also includes cases in both federal and state court.

Explanation of State Revenues: The following table shows the sources of new revenue and the state funds into which the fee revenue would be deposited. Any increase in revenue is likely to be minimal.

Fee Revenue Deposited into State Funds		
	State General Fund	State User Fee Fund
New Civil Actions	Either \$70 or \$55 of \$100 Civil Costs Fee ¹ ; Judicial Salaries Fee (\$20); Public Defense Administration Fee (\$5); Court Administration Fee (\$5); Judicial Insurance Adjustment Fee (\$1); Pro Bono Services Fee (\$1)	\$5 Automated Record Keeping Fee
¹ 70% deposited in the state General Fund if the case is filed in a court of record and 55% if the case is filed in a city or town court.		

Explanation of Local Expenditures: If counties, cities, or towns are named as defendants in civil actions by plaintiffs asserting that their religious rights have been substantially burdened, this bill could increase the costs to these local units of government for legal representation in administrative and court proceedings. The court could also order possible monetary awards as appropriate relief. Local units of government without permanent legal staff could be especially affected.

This bill could increase the work of trial or city and town courts if additional civil actions are filed. The operating expenses of the trial courts are paid by the county general fund. The expenses of the city and town courts are paid by the general fund of the city or town in which the court is located.

Explanation of Local Revenues: If additional civil actions are filed, local governments would receive revenue from court fees. However, any increase in revenue is likely to be minimal.

Fee Revenue Deposited into Local Funds		
	County and Municipal General Fund	Clerk Record Perpetuation Fund
New Civil Actions	Either \$30 or \$45 of \$100 Civil Costs Fee ¹ ; Document Fees (\$1 per Document); Service Fee (\$10)	Document Storage Fee (\$2)
¹ 30% deposited in the local general fund if the case is filed in a court of record and 45% in the local general fund if the case is filed in a city or town court.		

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Courts of record and some city and town courts.

Information Sources: Office of the Attorney General; Fund 18730, Auditor's Data Base.

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